

SENATE BILL NO. 495

INTRODUCED BY D. GRIMES

A BILL FOR AN ACT ENTITLED: "AN ACT PROMOTING THE INTEGRITY OF CERTAIN POLITICAL CAMPAIGNS AND ELECTIONS BY DISCOURAGING CERTAIN CANDIDATES FOR PUBLIC OFFICE FROM ENGAGING IN CERTAIN SOLICITATIONS FOR CAMPAIGN CONTRIBUTIONS FROM CERTAIN INDIVIDUALS OR GROUPS OF INDIVIDUALS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Solicitation of contributions discouraged -- purpose -- intent. (1) The purposes of this section are to:

(a) promote the ethical financing of elections, protect the integrity of candidates, elected officials, and campaign contributors, and guard against abuses and perceived abuses of the electoral process; and

(b) in general terms, discourage certain candidates from soliciting campaign contributions from individuals who may appear before an elected candidate who could act in an official capacity that could affect the economic, business, or personal interests of the individual making the contribution.

(2) (a) It is the intent of the legislature, on behalf of Montana citizens, that a candidate for an office included in subsection (3) be allowed to indicate that the candidate endorses and subscribes to the ethical solicitation of campaign contributions that is promoted by the purposes, goals, and spirit of this section.

(b) The commissioner of political practices shall prepare a form including a statement that sets forth the purposes, goals, and spirit of this section and a place for a candidate to sign the form, indicating that the candidate endorses, subscribes to, and pledges to abide by the statement.

(c) The commissioner shall send a copy of the form to each candidate for an office included in subsection (3). Signing the form is voluntary, and a failure or refusal to sign is not a violation of the election laws. A form must be sent for each election as soon as feasible after a candidate files for the office. If signed, the form must be returned to the commissioner.

(d) A candidate for an office not included in subsection (3) who wishes to subscribe to the statement may obtain the form from the commissioner and may sign the form and deliver it to the commissioner.

(3) A candidate for the public service commission, district court judge, justice or chief justice of the

1 supreme court, or state auditor is discouraged from specifically soliciting campaign contributions from an
2 individual or the principal of an individual whose economic, personal, or business interests are reasonably likely
3 to come before the candidate if the candidate is elected to the office to which the candidate seeks election.

4 (4) (a) For the purposes of this section, a "specific solicitation" or "specifically solicit" is intended to be
5 interpreted narrowly and, in the context of campaign contributions, means to actively seek donations from
6 individuals or groups or classes of individuals who represent a relatively narrow set or category of interests that
7 are the subject of matters that come before the office for which a candidate is running, in contrast to general
8 interests that would reasonably be held equally by individuals in a general group or class, the appearance of
9 which solicitation would be perceived by a reasonable person to be a conflict of interest or that could reasonably
10 result in a perception of a conflict of interest.

11 (b) A specific solicitation includes but is not limited to a request that is direct or indirect or that is made
12 orally or in writing.

13 (c) A specific solicitation does not occur if a candidate for an office included under subsection (3) solicits
14 campaign contributions from a group of individuals that includes, as a matter of coincidence, an individual whom
15 the candidate is discouraged from specifically soliciting under this section.

16 (5) For the purposes of this section, an individual or entity working on behalf of a candidate is equally
17 strongly discouraged from making a specific solicitation in the same manner that a candidate is discouraged
18 from making a specific solicitation.

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20 **NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an
21 integral part of Title 13, chapter 35, and the provisions of Title 13, chapter 35, apply to [section 1].

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